

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

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|----------------------------|---|----------------------------|
| STEVE NELSON, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Docket no. 2:10-cv-473-GZS |
| |) | |
| FORMED FIBER TECHNOLOGIES, |) | |
| INC., |) | |
| |) | |
| |) | |
| Defendant. |) | |

ORDER IN LIEU OF CONFERENCE

Having reviewed the pre-filing conference memoranda (Docket #s 21 & 22), the Court has determined that a conference in this case is unnecessary.

On or before **November 9, 2011**, Defendant Formed Fiber Technologies, Inc. shall file the motion for summary judgment outlined in the October 4, 2011 Pre-Filing Conference Memorandum. The briefing shall comply with the time and page limits set forth in Local Rule 7.

The Court expects the parties' filings will comply with all aspects of Local Rule 56. The Court welcomes stipulations and reminds the parties that they are free to indicate that any such stipulations are admissions solely for purposes of the to-be-filed summary judgment motion. See D. Me. Local Rule 56(g).

In addition to any stipulations of fact, the Court urges the parties to consider submitting a single stipulated record of exhibits that all sides agree will be referenced in the statements of material facts. The submission of a stipulated record does not prevent either side from submitting additional documents with their respective statement of material facts.

Any stipulations of fact or stipulated record shall be filed on or before **November 4, 2011**. Any stipulated record shall be filed as a single filing using the “Stipulated Record” event in CM/ECF and clearly attaching and labeling each separate exhibit. Once the stipulated filing is made, all statement of material fact filings shall endeavor to use the electronically generated Page ID number (found in the top right hand corner) as the pin cite for the required record citation.

To the extent that Plaintiff opposes Defendant’s attempt to move for summary judgment at this time, Plaintiff is free to invoke the procedures of Federal Rule of Civil Procedure 56(d) in response to Defendant’s summary judgment motion.

The Court notes that the Scheduling Order for this matter was issued on September 22, 2011 and was stayed automatically by the Court’s September 27, 2011 Procedural Order. The Court hereby lifts that stay finding that the mere filing of the proposed motion for summary judgment should not necessarily stay all discovery in this matter. The parties may file objections to the Scheduling Order on or before October 24, 2011. Absent an objection by that deadline, the September 22, 2011 Scheduling Order shall constitute the Court’s Scheduling Order under Federal Rule of Civil Procedure 16(b). By this Order, the Court hereby extends the October 6, 2011 deadline for the Rule 26(f) conference of the parties to October 31, 2011. Likewise, the October 20, 2011 deadline for initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) is hereby extended to November 14, 2011. All other deadlines remain as stated in the September 22, 2011 Scheduling Order absent a timely objection.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 17th day of October, 2011.